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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,843	10/19/2001	Mark DeSilets	US 018172	2507

38107 7590 09/11/2006

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
595 MINER ROAD
CLEVELAND, OH 44143

EXAMINER

LAURITZEN, AMANDA L

ART UNIT	PAPER NUMBER
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3737

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/027,843	Applicant(s) DESILETS ET AL.	
	Examiner Amanda L. Lauritzen	Art Unit 3737	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/15/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 21, 22 and 24-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-2, 30-31 is/are allowed.
- 6) ☒ Claim(s) 3-19, 21, 22, 24-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/15/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. This action is in response to applicant's amendment received on 3/15/06.
2. Amendments to the specification and to claims 8, 16 and 21 are acknowledged. New claims 30 and 31 are addressed in this action.
3. Applicant's arguments regarding claims 1 and 2, see Remarks filed 15 March 2006, with respect to caregiver access while the housings of the imagers are in a fixed, abutting position have been fully considered and are persuasive. The rejection of claims 1 and 2 has been withdrawn.
4. Applicant's arguments, see Remarks filed 15 March 2006, with respect to the rejection(s) of claim(s) 3-19, 21-22 and 24-29 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Dinkler U.S. Pub. No. 2002/0032927927.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-19, 21-22 and 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Townsend (U.S. Patent No. 6,490,476) in view of Dinkler (U.S. Publication No. 2002/0032927927) and Robinson (U.S. Patent No. 6,637,453).

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Townsend et al. '476 teach all the features of the instant invention except for a fluid control surface positioned beneath the patient support structure and between the first and second imaging devices for directing liquids falling onto the surface from the vicinity of the patient support structure away from the subject patient.

In the same field of endeavor, Dinkler '927 teaches a fluid control surface positioned beneath the patient support structure for directing liquids falling onto the surface from the vicinity of the patient support structure away from the subject patient (see paragraph 0051, wherein the opening on the support structure of the patient has an opening 34 for drainage) as well as a lower end of the patient access area with a substantially continuous arced surface underneath the patient (see Fig. 4 and paragraph 0037 wherein patient support member has a curved cross-sectional profile). Robinson '453 teaches a universal fluid control surface or a peripheral skirt positioned beneath the patient support structure capable of being placed at any surgical site of interest to drain the surgical area such as between the first and second imaging devices for directing liquids falling onto the surface from the vicinity of the patient support structure away from the subject patient (see Fig. 1 and elements 56 and 52 draining in a curved type manner or arcuate structure into the draining apparatus 20 downward and away from the patient; see also col. 10, lines 49-67 and col. 11, lines 1-19).

It would have been obvious to one skilled in the art at the time the invention was made to have modified Townsend et al. '476 to incorporate the drainage surface in the arcuate shape presented by Robinson '453 through the support table in order to allow for drainage in the imaging area during any diagnostic or surgical procedure, as it is already known to those skilled

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in the art to incorporate fluid control surfaces in patient support tables of diagnostic imagers, as evidenced by Dinkler '927.

Allowable Subject Matter

5. Claims 1-2 and 30-31 are allowed over the prior art of record.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 1 and 30 distinguish over the prior art in that when the first and second housings are secured in a fixed abutting position to one another, the first and second imaging regions are spaced apart by a distance sufficient to allow access to the patient in combination with the other features recited in the claims.

Claim 2 distinguishes over the prior art in that an opening is formed between the first and second bores through which the caregiver can access the patient when the first and second housings are abutting in combination with the other features recited in the claims.

Conclusion


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda L. Lauritzen whose telephone number is (571) 272-4303. The examiner can normally be reached on Monday - Friday, 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Casler can be reached on (571) 272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A.L.L.


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